

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

APRIL D.,¹

Plaintiff,

v.

Civil Case No. 3:23cv465

MARTIN O'MALLEY,²
*Commissioner of the
Social Security Administration,*

Defendant.

FINAL ORDER

This matter comes before the Court on the July 26, 2024 Report and Recommendation (the "R&R") issued by the Honorable Summer L. Speight, United States Magistrate Judge. (ECF No. 16.) The R&R recommends vacating and remanding to the Commissioner because the Administrative Law Judge ("ALJ") failed to sufficiently explain her finding that Plaintiff's fibromyalgia did not meet the criteria of any listed impairment. Additionally, the ALJ improperly considered objective medical evidence when discrediting Plaintiff's subjective complaints relating to her fibromyalgia. No objections to the R&R have been filed and the time to do so has expired.

Finding no error, the Court:

- (1) ADOPTS the findings and recommendations as set forth in the R&R, (ECF No. 16);
- (2) GRANTS Plaintiff's Motion for Summary Judgment, (ECF No. 12);

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States recommends that, due to significant privacy concerns in social security cases, federal courts refer to a claimant only by his or her first name and last initial.

² Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, he has been substituted for Acting Commissioner Kilolo Kijakazi as Defendant in this action. No further action need be taken to continue this suit. 42 U.S.C. § 405(g).

- (3) DENIES Defendant's Motion for Summary Judgment, (ECF No. 15);
- (4) VACATES and REMANDS the final decision of the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g); and,
- (5) DIRECTS the Clerk to CLOSE this case.

Let the Clerk of the Court send a copy of this Order to all counsel of record.

It is SO ORDERED.

Date: 8/13/2024
Richmond, Virginia



M. Hannah Lauck
United States District Judge